

June 12, 2018

Mr. Devin Leary  
Human and Rohde, Inc.  
512 Virginia Avenue  
Towson, MD 21286

Re: Candle Light Funeral Home  
1835 Frederick Road  
Forest Buffer Variance  
Tracking # 01-18-2707

Dear Mr. Leary:

Baltimore County Department of Environmental Protection and Sustainability (EPS) received the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on April 16, 2018. If granted, the variance would allow the permanent impact of 2,315 square feet of area that would otherwise be Forest Buffer Easement in order to maintain and expand an existing parking lot for the Candle Light Funeral Home. The property owner proposes to plant five 2-inch caliper Maryland native trees in an open area within the forest buffer to mitigate for the water quality impacts associated with the improvements.

This property has operated as a business and maintained a parking area on site since the 1920s. The current property owners converted the Candle Light Inn Restaurant into a funeral home and they now want to expand the size of the funeral home and add additional parking spaces. This development will require compliance with the County's Forest Buffer Law since there is a stream and wetland on the property. Full application of the Forest Buffer Law will result in the establishment of a forest buffer that will encompass part of the existing parking lot and adjacent lawn area and prohibit their use. The loss of part of the parking area and adjacent lawn represents a practical difficulty for the property owner as these historically maintained areas are necessary to meet the parking demands of an expanding funeral home business. Consequently, this Department finds that a practical difficulty exists in fully meeting the Forest Buffer Law.

Impacts to water quality will be minimized since the majority of the proposed forest buffer impacts are associated with the maintenance of the existing parking area. Only 550 square feet of new parking area will be added to the forest buffer and no existing trees within the proposed forest buffer will be removed. Furthermore, the remaining open area within the forest buffer will be planted with five Maryland native 2-inch caliper trees and all forested areas within the buffer

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will be protected in a Forest Buffer Easement recorded in the Land Records of Baltimore County. Finally, erosion control measures and storm water management facilities will be used during and after construction to minimize impacts to the stream and wetland.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The property owner shall mitigate for the 2,315 square feet of impact to the forest buffer by planting five 2-inch caliper Maryland native trees within the open area of the proposed forest buffer by June 30, 2019.
2. A Forest Buffer Protection Plan detailing the mitigation planting must be submitted to Environmental Impact Review for review and approval.
3. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by the Baltimore County EPS on June 12, 2018. This variance allowed permanent impact to 2,315 square feet of Forest Buffer for the continued use of existing parking spaces and the addition of 550 square feet of new parking for the Candle Light Funeral Home. Conditions were placed on this approval to reduce water quality impacts including the planting of Maryland native trees within the open area of the proposed forest buffer.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions regarding this correspondence, please call Mr. Gris Batchelder at (410) 887-3980.

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Sincerely,

David V. Lykens  
Deputy Director

DVL/cgb

cc: Mr. Craig Witzke

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

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Property Owners

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Date

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Printed Names